

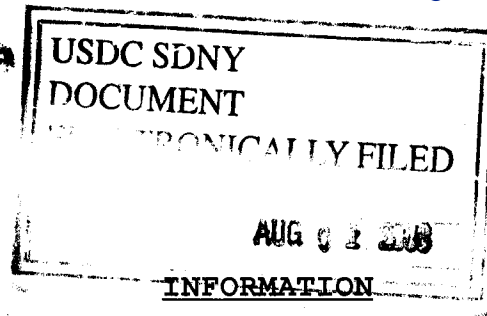
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JAMES WALSH,

Defendant.



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JUL 31 2008

08 CRIM (PKC) 712

COUNT ONE

(Conspiracy to Commit Wire Fraud)

The United States Attorney charges:

Background

1. At all times relevant to this Information, NBC Universal, Inc. ("NBC Universal") was a global media and entertainment company with its headquarters at 30 Rockefeller Plaza, New York, New York, and offices throughout the world.

2. At all times relevant to this Information, General Electric ("GE") was the parent company of NBC Universal. GE maintained corporate bank accounts at a branch of Deutsche Bank located in Stamford, Connecticut.

3. At all times relevant to this Information, JAMES WALSH, the defendant, was employed as NBC Universal's treasury manager and worked out of NBC Universal's offices at 30 Rockefeller Plaza. WALSH's responsibilities included reconciling NBC Universal's bank accounts and performing accounting for NBC Universal's cash balances. WALSH also had access to a safe (the "Safe") located in NBC Universal's headquarters where petty cash

was kept for use in NBC Universal's and its subsidiary companies' business.

4. At all times relevant to this Information, JAMES WALSH, the defendant, reported directly to Victor Jung, a co-conspirator not named as a defendant herein, who was the Treasurer of NBC Universal. Jung also worked out of 30 Rockefeller Plaza.

The Embezzlement Scheme

5. From in or about the Summer of 2004 through in or about August 2006, JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, engaged in a fraudulent scheme to embezzle money from NBC Universal and GE and to use this money primarily for their own personal benefit. Initially, WALSH and Jung embezzled money by removing cash from the Safe and using that cash for unauthorized purposes. Later, Jung set up a dummy company and caused three fraudulent wire transfers of NBC Universal or GE funds to be sent to bank accounts he established in the name of the dummy company. WALSH assisted Jung in initiating one of these fraudulent wires by acting as a required approver of the wire.

6. JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, used the money they embezzled from NBC Universal to, among other things, pay off large balances on their credit cards and pay for the rental of

summer homes in Southampton, New York.

The Withdrawals From the Petty Cash Account

7. As part of the fraudulent scheme, on several occasions beginning in or about the Summer of 2004 and continuing until at least in or about December 2005, JAMES WALSH, the defendant, acting on instructions from Victor Jung, a co-conspirator not named as a defendant herein, removed petty cash from the Safe in amounts ranging from approximately \$5,000 to approximately \$40,000. WALSH and Jung used these sums of petty cash to, among other things, (1) pay approximately \$40,000 in rental fees for a summer rental home in Southampton, New York for the Summer of 2005, which was used by WALSH, Jung, and others known and unknown; and (2) pay for a birthday party that Jung threw for WALSH in or about April 2005.

8. At certain times relevant to this Information, JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, used checks that NBC Universal received as payment for miscellaneous items to offset these fraudulent petty cash withdrawals. At certain times relevant to this Information, WALSH fraudulently booked these petty cash withdrawals to an NBC Universal account called "Bank Fees."

The Dummy Company

9. As a further part of the fraudulent scheme, Victor Jung, a co-conspirator not named as a defendant herein,

established a dummy company that had no legitimate business purpose. Specifically, on or about November 28, 2005, Jung caused a Certificate of Formation to be filed with the Delaware Secretary of State for a limited liability company called NBCU Media Productions, LLC (the "LLC"). Jung was listed as the Manager of the LLC. At no time did NBC Universal or GE authorize the formation of the LLC, and at no time was the LLC part of NBC Universal or GE's portfolio of companies and subsidiary companies.

10. On or about January 2, 2006, Victor Jung, a co-conspirator not named as a defendant herein, opened two bank accounts at a branch of Commerce Bank, N.A. ("Commerce Bank") located at 1350 Avenue of the Americas, in New York, New York (the "Branch"). Both accounts were opened in the name of the LLC, and the account opening documents for both accounts listed Jung as the owner of the LLC. One account was a checking account (the "LLC's Checking Account"), and the other was a business money market account (the "LLC's Money Market Account"). Jung was the sole authorized signatory on the LLC's Checking Account and the LLC's Money Market Account.

11. On or about January 19, 2006, Victor Jung, a co-conspirator not named as a defendant herein, opened a third bank account at the Branch in the name of the LLC, with Jung listed as the owner of the LLC. This account was a commercial savings

account (the "LLC's Savings Account"). Jung was the sole authorized signatory on the LLC's Savings Account.

The Fraudulent Wire Transfers

12. On or about January 3, 2006, Victor Jung, a co-conspirator not named as a defendant herein, caused approximately \$358,209 to be wire transferred from an account at Citibank located in Englewood Cliffs, New Jersey to the LLC's Money Market Account. This sum of approximately \$358,209 represented money that an outside company owed to an NBC Universal subsidiary which Jung instead caused to be diverted to the LLC without the knowledge or authorization of NBC Universal or GE.

13. On or about January 19, 2006, Victor Jung, a co-conspirator not named as a defendant herein, caused approximately \$575,000 to be wire transferred from a GE account at Deutsche Bank (the "GE Account") to the LLC's Money Market Account. That same day, Jung caused these and other funds to be transferred to the LLC's Savings Account.

14. On or about April 21, 2006, JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, caused approximately \$238,450 to be wire transferred from the GE Account to the LLC's Checking Account. WALSH acted as the approver of this wire transfer. That same day, Jung caused approximately \$235,000 to be transferred from the LLC's Checking Account to the LLC's Savings Account.

The Use of Funds From the Fraudulent Wire Transfers

15. On or about January 9, 2006, within approximately six days of the first fraudulent wire in the approximate amount of \$358,209 being transferred into the LLC's Money Market Account, Victor Jung, a co-conspirator not named as a defendant herein, wrote a check off the LLC's Money Market Account, which check was in the amount of approximately \$60,000 and made payable to JAMES WALSH, the defendant, and was intended for WALSH's personal use.

16. Between on or about March 16, 2006, and on or about July 28, 2006, Victor Jung, a co-conspirator not named as a defendant herein, caused approximately seven electronic payments to be made from the LLC's Checking Account to American Express ("Amex") in the total amount of approximately \$277,702. A portion of these payments went to pay the balance on an Amex card that Jung had obtained in the name of JAMES WALSH, the defendant, and that WALSH used for personal expenses.

17. On or about March 31, 2006, Victor Jung, a co-conspirator not named as a defendant herein, caused approximately \$56,000 to be wire transferred from the LLC's Savings Account to an individual who owns a home in Southampton, New York. JAMES WALSH, the defendant, Jung, and another individual then used this summer rental home in the Summer of 2006.

Statutory Allegation

18. From in or about the Summer of 2004 through in or about August 2006, in the Southern District of New York and elsewhere, JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together to commit an offense against the United States of America, to wit, to violate Title 18, United States Code, Section 1343.

19. It was a part and an object of the conspiracy that JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Means and Methods of the Conspiracy

20. Among the means and methods by which JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, would and did carry out the conspiracy were the

following:

a. WALSH, at Jung's direction, withdrew large sums of cash from the Safe, which WALSH and Jung used, among other ways, to pay for personal expenses, including a 2005 summer rental home and WALSH's birthday party. WALSH fraudulently booked the entries for these petty cash withdrawals as, among other things, expenses for Bank Fees.

b. Jung established the LLC without the authorization of NBC Universal or GE. Jung further established bank accounts at Commerce Bank in the name of the LLC.

c. Jung, assisted in at least one instance by WALSH, caused fraudulent wire transfers to be sent from other accounts located outside of New York State to the LLC's accounts at Commerce Bank. Jung thereafter distributed funds to himself and WALSH to pay for personal expenses, including a 2006 summer rental home and WALSH's and Jung's credit card bills.

Overt Acts

21. In furtherance of the conspiracy and to effect its illegal object, JAMES WALSH, the defendant, and Victor Jung, a co-conspirator not named as a defendant herein, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about January 9, 2006, Jung wrote a check off the LLC's Money Market Account in the amount of

approximately \$60,000 and made payable to WALSH.

b. On or about March 31, 2006, Jung caused approximately \$56,000 to be wire transferred from the LLC's Savings Account in New York, New York to an individual who owns a home in Southampton, New York for the summer rental of that home.

c. On or about April 21, 2006, WALSH and Jung caused approximately \$238,450 to be wire transferred from the GE Account in Stamford, Connecticut to the LLC's Checking Account in New York, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud)

The United States Attorney further charges:

22. The allegations contained in paragraphs 1 through 17, 20, and 21 are hereby repeated, realleged and incorporated by reference as if fully set forth herein.

23. On or about April 21, 2006, in the Southern District of New York and elsewhere, JAMES WALSH, the defendant, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, to wit, a scheme to defraud NBC Universal and GE, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings,

signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, to wit, WALSH acted as the approver of a fraudulent wire transfer in the approximate amount of \$238,450 from the GE Account to the LLC's Checking Account.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

24. As the result of committing the foregoing conspiracy and wire fraud offenses, in violation of Title 18, United States Code, Sections 1343 and 1349, as alleged in Counts One and Two of this Information, JAMES WALSH, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission the offense, including, but not limited to, a sum of money equal \$238,450 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

Substitute Asset Provision

25. If any of the above-described forfeitable property, as a result of any act or omission of the defendant, JAMES WALSH:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

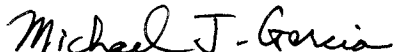
(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Sections 1343 and 1349).


MICHAEL J. GARCIA *MAD*
United States Attorney